

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSE QUEZADA, on behalf of himself and
all other persons similarly situated,

Plaintiff,

-against-

ELEHANT IN A BOX, INC.,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 12/2/2021

1:21-cv-4681

ORDER

MARY KAY VYSKOCIL, United States District Judge:

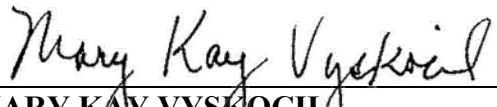
On November 17, 2021, the Court entered an Order directing Plaintiff to move for default judgment on or before December 1, 2021. [ECF No. 9]. The Court warned that failure to comply with the Court's Order would result in dismissal of the action for failure to prosecute.

To date, Plaintiff has not taken any action to prosecute the case.

Accordingly, IT IS HEREBY ORDERED that the above-captioned action is discontinued for failure to prosecute without costs to any party and without prejudice to restoring the action to this Court's calendar if the application to restore the action is made by January 3, 2022. If no such application is made by that date, today's dismissal of the action is with prejudice. *See LeSane v. Hall's Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001) (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630 (1962)).

SO ORDERED.

Date: December 2, 2021
New York, NY


MARY KAY VYSKOCIL
United States District Judge